APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,686	10/13/2003	Zhou Ye	021756-002800US	3409

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EXAMINER
DAGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 November 2005*.

2a) ☒ This action is **FINAL**.　　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8,10-16,18-24 and 26-36* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5, 7, 10-16, 18-24 and 26-36* is/are rejected.

7) ☒ Claim(s) *6 and 8* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-35 have been considered but are

moot in view of the new ground(s) of rejection.

- claims 18 and 19 depend from cancelled claim 17. Please correct.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-5, 7, 9-19 and 21-29 rejected under 35 U.S.C. 103(a) as being

unpatentable over Fortman US6,594,349 and further in view of Tunnicliffe US6,055,240.

As per **claims 1, 13, 22 21 and 26 and 30-36,** Fortman teaches a method for

sending a message to a recipient (title, abstract), the method comprising:

receiving a message from a recipient (figure1, figure 6, #6100, C2, L10-28. See

C5, L35 to C6, L30),

determining a recipient identifier for the recipient for the message (figure 6,

#6400-6500 teaches translating a received call/message into the recipient's format

which inherently requires the server to determine who the recipient is), wherein each

device in the plurality of devices are associated with a device identifier and a

communication type (figure 6, #6400-6600 teaches translating the received

call/message into a format the recipient can receive and routing the call/message to the

recipient which inherently requires identifying the recipient and a communication type)

determining a device type in the plurality of device types in which to send the

message in response to receiving the message from the sender based on the

~~communication type associated with the device~~ (figure 6, #6400-6600 teaches translating the received call/message into a format the recipient can receive and routing the call/message to the recipient which inherently requires identifying the recipient and a communication type. Also see C4, L30 to C5, L15 for translation); and

sending the message to the ~~determined device at its~~ device identifier <u>associated with the determined device type</u> (figure 6, #6600).

But is silent on ~~the recipient being associated with a plurality of devices AND determining a plurality of devices associated with the recipient~~ <u>the recipient identifier usable to determine a plurality of device types that are associated with the recipient;</u>

<u>Dynamically determining the plurality of device types associated with the recipient using the identifier wherein device identifiers are associated with the plurality of device types.</u>

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L34-39)

The primary examiner interprets Tunnicliffe's teachings as reading on the recipient being associated with a plurality of devices (and being able to determine them) since he discloses that the system can identify one person (eg. Andrew) with more than one machine and how/when to send the message (eg. send email, don't send a fax). One skilled therefore realizes, if Andrew has a mobile phone, the system will send him a voice-type message after 9am. Other variations are certainly possible (eg. how/when to send to Andrew if he has email, voice, video, fax, chat, SMS, etc. capabilities).

<u>The claim states that a recipient ID is used to determine a plurality of device types that are associated with the recipient. As stated above, Tunnicliffe receives a</u>

message and can determine how to route the message, eg. to which user device, based on either user preference and/or to a device the user possesses (C6, L54-63). It is the examiner's position that Fortman system can support a plurality of users and that Tunnicliffe's system can determine, from the message, a means by which to route the message to a specific user device.

With further regard to claims 30-32, Tunnicliffe teaches support for Internet and email (C6, L35-48) which provides means for a Internet/email username to be received and translated into another format (eg. fax, voice, etc., which reads on claims 31-32 since different device types and channels are used)

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that the recipient being associated with a plurality of devices AND determining a plurality of devices associated with the recipient, to provide means for optimally routing a message to a recipient who has multiple receive-devices at their disposal.

As per **claim 3,** Fortman teaches claim 1 **but is silent on** further comprising determining communication capabilities for device types in the plurality of devices, wherein determining the device type comprises determining the device type based on the communication capabilities for the plurality of devices.

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L34-39)

Hence the primary examiner interprets Tunnicliffe as inherently determining communication capabilities for the plurality of devices since it can learn/be programmed to understand/determine what communication capabilities the recipient has available.

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that it determines communication capabilities for devices in the plurality of devices, wherein determining the device comprises determining the device based on the communication capabilities for the plurality of devices, to provide means for sending the message based on the communications capability of the recipient for optimal transmission.

As per **claim 4,** Fortman teaches claim 1 **but is silent on** further comprising determining one or more preferences associated with the recipient, wherein dynamically determining the device type comprises determining the device based on the one or more preferences.

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L34-39)

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that it determines one or more preferences associated with the recipient, wherein determining the device comprises determining the device based on the one or more preferences, to provide means for optimal transmission per the user's requirements.

As per **claim 5,** Fortman teaches claim 1 **but is silent on** further comprising determining presence information for the recipient, wherein dynamically determining the device type comprises determining the device type based on the presence information.

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"the preference mode of the subscriber operation (for example, this can be voice, text or whatever mode is preferred at a certain time and situation, such as driving to work from 8:30-9am)

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L30-39).

The primary examiner interprets Tunnicliffe's "preferences" as allowing the system to understand where the user is at different times of the day (eg. from 8:30-9am, the sender is driving to work and probably using a cell phone WHILE Andrew prefers to be at his desk at 9am to receive emails).

The primary examiner takes **Official Notice** that location determination of mobile users/devices is well known in the art and would be used to provide optimal delivery transmission to a person.

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that it determines presence information for devices in the plurality of devices associated with the user, wherein determining the device comprises determining the device based on the presence information, to provide means for routing to devices based on user location.

As per **claims 7, 14, 23 and 27,** Fortman teaches claim 1/13/21/26, wherein the received message is sent by a <u>first</u> device that communicates in a first protocol and the sent message is received by the <u>second</u> device that communicates in a second protocol (figures 3-5 teach an interim device that receives the sender's message in a first protocol/format and translates it into a second protocol/format when sending to the recipient).

As per **claim 10,** Fortman teaches claim 1 **but is silent on** wherein <u>dynamically</u> determining the device <u>types</u> comprises:

determining a communication type in which to send the message; and

determining the device identifier associated with the communication type.

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L30-39).

The primary examiner interprets Tunnicliffe's teaching as first determining who the recipient is and then secondly determining which communication means and device identifier to use for transmittal (which reads on the claim).

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that it determines a communication type in which to send the message and determining the device identifier associated with the communication type, to provide means for matching a message to a type of receive-device and attempt to route to that type of device (if the user has access to one).

As per **claims 11 and 18,** Fortman teaches claim 1/13 wherein the received message does not specify the device identifier (figure 1 shows an Internet terminal/computer, #1240, when sending an email the sender does not specify the device identifier but rather specifies the recipient. Figures 3-4 teach the translator that would translate a received message without a device identifier and send email based on the recipient's email address).

As per **claims 12 and 19,** Fortman teaches claim 1/13, wherein the received message is addressed to a different device identifier than the device identifier of the sent message (figure 1 shows multiple devices that can receive calls/data/messages. If a sender sends a message to a recipient's phone and the phone is off, it can be rerouted to a different device identifier, eg. an email terminal. Figures 3-4 teach the translator that would translate a received voice message with a device identifier and send an email to the recipient's email address).

As per **claims 15 and 28-29,** Fortman teaches claim 13/26, wherein the format comprises at least one of a short message system (SMS), email, instant message (IM), and voice message format (figure 5 and C4, L35-38, L55-65 and C5, L5-15).

As per **claim 16,** Fortman teaches claim 13, wherein adapting the message comprises adapting content of the received message to content compatible with the determined format (abstract teaches translating message to a format understandable by the recipient's receive device).

As per **claim 17,** Fortman teaches claim 13, comprising determining a device identifier for the determined device, wherein sending the adapted message or message to the determined device comprises sending' the adapted message or message to the determined device identifier (figures 3-6 teaches receiving a message, determining who the recipient is and translating the content).

As per **claim 22,** Fortman teaches claim 21 **but is silent on** wherein determining the device type comprises using at least one of communication capabilities for the plurality of devices, one or more preferences associated with the second user, and presence information for device typess in the plurality of device types associated with the second user.

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"the preference mode of the subscriber operation (for example, this can be voice, text or whatever mode is preferred at a certain time and situation, such as driving to work from 8:30-9am)

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L30-39).

The primary examiner interprets Tunnicliffe's "preferences" as allowing the system to understand how the sender/receiver wish to send/receive messages. Hence, if a user is unable to receive a message on one device, they may prefer to have it rerouted to another device, eg. call forwarding).

The primary examiner takes **Official Notice** that call forwarding is known in the art and one skilled would use presence information regarding a device being active (or not) to route a call accordingly (eg. if ON, receive message, if OFF, reroute it to another device).

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that the recipient being associated with a plurality of devices AND determining a plurality of devices associated with the recipient AND routing based on preferences, to provide means for optimally routing a message to a recipient who has multiple receive-devices at their disposal.

As per **claim 24,** Fortman teaches claim 21 **but is silent on** further comprising a database configured to store information for one or more device types associated with the plurality of users.

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"the preference mode of the subscriber operation (for example, this can be voice, text or whatever mode is preferred at a certain time and situation, such as driving to work from 8:30-9am)

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L30-39).

The primary examiner interprets Tunnicliffe's "preferences" as being stored in a computer database and accessed to determine routing procedures.

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that it comprises a database configured to store information for one or more devices associated with the plurality of users, to provide means for accessing preference data for optimal routing.

As per **claim 25,** Fortman teaches claim 21, wherein the one or more devices are associated with a user identifier for the second user, wherein the device determiner is configured to determine the user identifier from the message (figure 1 shows multiple devices that can receive calls/data/messages. If a sender sends a message to a recipient's phone, it will use the recipient's phone number for routing. Figures 3-4 teach the translator that would translate a received message as required).

As per **claims 33-36,** Fortman teaches claim 1/13/21/26 **but is silent on** wherein recipient/user ID is different from the device ID.

Tunnicliffe teaches sending a message to a user and the recipient ID would be different from the device ID if/when the receiver translates the message into another format (eg. the device ID would then be changed).

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that the recipient/user ID is different from the device ID so that the receiver will translate a message bound for the recipient's first "device" and route it to a different device (ID).

Claims 2 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman/Tunnicliffe and further in view of Klein et al. US 2002/0212818.

As per **claim 2,** Fortman teaches claim 1, **but is silent on** wherein dynamically determining the device type comprises determining the device type based on content of the message.

Klein teaches content-based routing (title) whereby routing of messages is based on the content of the messages (abstract and paragraph 0007).

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that the device comprises determining the device based on content of the message, to provide means for determining the best hardware to send the message to based upon the content, eg. if video, send to video display, if email, send to email terminal, if voice, send to phone).

As per **claim 20,** Fortman teaches claim 13 **but is silent on** wherein determining the device comprises using at least one of content of the message, communication capabilities for the plurality of devices, one or more preferences associated with the second user, and presence information for devices in the plurality of devices associated with the second user.

Klein teaches content-based routing (title) whereby routing of messages is based on the content of the messages (abstract and paragraph 0007).

Tunnicliffe teaches a message management system (title) which can translate caller messages into a format that can be received by a recipient (abstract, figures 1 and 3, and C4, L50 to C5, L38). Tunnicliffe also teaches the "system agent" being able to be programmed with (and or learn) preferences about the sender and receiver. He specifically states:

"the preference mode of the subscriber operation (for example, this can be voice, text or whatever mode is preferred at a certain time and situation, such as driving to work from 8:30-9am)

"information about the receiver's preferences, for example, who the receiver is, how they operate and what equipment they use. For example, the agent may have information that receiver Andrew prefers to read email messages at 9am each day and that he has no fax machine". (C6, L27-52, specifically L30-39).

The primary examiner interprets Tunnicliffe's "preferences" as allowing the system to understand how the sender/receiver wish to send/receive messages. Hence, if a user is unable to receive a message on one device, they may prefer to have it rerouted to another device, eg. call forwarding).

The primary examiner takes **Official Notice** that call forwarding is known in the art and one skilled would use presence information regarding a device being active (or not) to route a call accordingly (eg. if ON, receive message, if OFF, reroute it to another device).

It would have been obvious to one skilled in the art at the time of the invention to modify Fortman, such that the recipient being associated with a plurality of devices AND determining a plurality of devices associated with the recipient AND routing based on content and preferences, to provide means for optimally routing a message to a recipient who has multiple receive-devices at their disposal.

Allowable Subject Matter

Claims 6 and 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims recite novel material not found, either alone or in combination, in the prior art of record.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
12-7-2005